

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

|                                  |   |                          |
|----------------------------------|---|--------------------------|
| WILLIAM PASSARELLA, JR.,         | : |                          |
|                                  | : |                          |
| Plaintiff,                       | : | CIVIL ACTION NO. 18-2354 |
|                                  | : |                          |
| v.                               | : |                          |
|                                  | : |                          |
| CITIZEN'S BANK and RBS CITIZEN'S | : |                          |
| FINANCIAL GROUP,                 | : |                          |
|                                  | : |                          |
| Defendants.                      | : |                          |

**ORDER**

**AND NOW**, this 7th day of September, 2018, after considering the application to proceed *in forma pauperis* (Doc. No. 1), prisoner trust fund account statement (Doc. No. 3), complaint (Doc. No. 2), and motions to appoint counsel (Doc. Nos. 5, 7) filed by the *pro se* plaintiff, William Passarella, Jr. ("Passarella"); and for the reasons set forth in the separately filed memorandum opinion; accordingly, it is hereby **ORDERED** as follows:

1. The application for leave to proceed *in forma pauperis* (Doc. No. 1) is **GRANTED** and the plaintiff has leave to proceed *in forma pauperis*;

2. Passarella, #LG-6537, shall pay the full filing fee of \$350.00 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information Passarella has provided, an initial partial filing fee of \$3.11 is assessed. The superintendent or other appropriate official at SCI-Mahanoy or at any other correctional facility at which Passarella may be incarcerated is directed to deduct \$3.11 from Passarella's inmate trust fund account, when such funds become available, and forward that amount to the Clerk of the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Room 2609, Philadelphia, PA 19016, to be credited to Civil Action No. 18-2354. After the initial partial filing fee is collected and until the

full filing fee is paid, the superintendent or other appropriate official at SCI–Mahanoy or at any other correctional facility at which Passarella may be incarcerated, shall deduct from Passarella’s account, each time that Passarella’s inmate trust fund account exceeds \$10.00, an amount no greater than 20 percent of the money credited to his account during the preceding month and forward that amount to the Clerk of Court at the address provided above to be credited to Civil Action No. 18-2354;

3. The complaint (Doc. No. 2) is **DEEMED** filed;

4. The complaint is **DISMISSED WITHOUT PREJUDICE** to Passarella’s right to refile his claims in state court. Passarella may not file an amended complaint in this matter;

5. The motions for the appointment of counsel (Doc. Nos. 5, 7) are **DENIED AS MOOT**;

6. The Clerk of Court is **DIRECTED** to send a copy of this order to the superintendent of SCI–Mahanoy; and

7. The Clerk of Court shall mark this matter as **CLOSED**.

BY THE COURT:

/s/ Edward G. Smith  
EDWARD G. SMITH, J.